



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 1.3.9	Subject: <b>EMPLOYEE PROBATIONARY STATUS</b>
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3
Section 3: Human Resources Bureau	Effective Date: Sept. 1, 1996
Signature: /s/ Mike Ferriter, Director	Revision Date: 07/26/06

## **I. POLICY**

The Department of Corrections requires all employees new to state government to serve a probationary period for the purpose of evaluating the employee's potential for satisfactory job performance.

## **II. APPLICABILITY**

All Department divisions, facilities, and programs.

## **III. REFERENCES**

- A. 2-18-1200; *Montana Code Annotated*
- B. 3-0170; *Montana Operations Manual*
- C. *The Reduction in Work Force Guide*
- D. 4-4059; *ACA Standards for Adult Correctional Institutions, 4<sup>th</sup> Edition*; 3-JTS-1C-12, 3-JTS-1C-13; *ACA Standards for Juvenile Correctional Facilities, 2003*

## **IV. DEFINITIONS**

Agency – All executive branch departments, those agencies allocated to the state board of education, and those institutions in the Department of Corrections and in the Department of Public Health and Human Services. All boards, commissions and related staff attached to an executive department for administrative purposes are considered part of the department for purposes of these rules.

Department of Corrections Internal Reduction in Force Registry – A registry of Reduction in Force (RIF) employees who will be given an opportunity to apply as an internal applicant for vacant Department positions.

Probationary Period – A trial period established by an agency when an employee is newly hired to state government into permanent or seasonal employment to assess the employee's abilities to perform job duties; to assess the employee's conduct on the job; and to determine if the employee should be retained beyond the probationary period and attain permanent status.

## **V. DEPARTMENT DIRECTIVES**

### **A. Permanent Status**

1. A permanent or seasonal employee attains permanent status after satisfactorily completing an appropriate probationary period. Laid-off employees retain permanent status when reinstated or reemployed.

Policy No. DOC 1.3.9	Chapter 1: Administration and Management	Page 2 of 3
Subject: <b>EMPLOYEE PROBATIONARY STATUS</b>		

2. A temporary employee or a short-term worker is not eligible to attain permanent status.
3. An employee who has attained permanent status in an agency and who transfers to another agency retains permanent status. The employee has no rights to the position held in the former agency.
4. Where a position or work unit is transferred between agencies as a result of reorganization, an employee retains permanent status in the agency to which the position or work unit transfers. The employee will have no rights to a position in the agency from which the position or work unit is transferred, unless otherwise provided by law.
5. Provisions of the discipline handling policy, the grievance policy, and the reduction in work force policy apply to an employee who has attained permanent status as provided in this rule.
6. Pay for an employee who transfers will be administered in compliance with the pay plan rules.

#### **B. Probationary Period**

1. The Department will require all newly hired employees, who do not have permanent status with the state as a result of employment with another agency, to serve a six-month to one year probationary period prior to receiving permanent status in their position. Employees may be governed by a labor agreement that requires a probationary period of a longer duration.
2. The Department will inform the employee of the length of the probationary period at the time of employment.
3. The Department is permitted but not required to credit time in an approved leave of absence without pay toward completion of a probationary period. This includes leaves of absence between seasons for a seasonal employee. Employees returning from an approved leave of absence without pay are not required to begin a new probationary period.
4. The Department will complete a performance appraisal for an employee pursuant to the performance appraisal policy.
5. Unless an employee receives written notification that the employee has not satisfactorily completed the established probationary period on or before the end of the probationary period, the employee attains permanent status.

#### **C. Extension of Probationary Period**

1. The Department may extend the length of a probationary period for a maximum of six additional and consecutive calendar months.
2. When the probationary period is extended, the Department must notify the employee in writing on or before the end of the established probationary period that the probationary period has been extended and must inform the employee of the length of the extension.
3. An employee whose probationary period has been extended does not attain permanent status

Policy No. DOC 1.3.9	Chapter 1: Administration and Management	Page 3 of 3
Subject: <b>EMPLOYEE PROBATIONARY STATUS</b>		

until the employee successfully completes the additional probationary period.

**D. Discharge of a Probationary Employee**

1. An employee who has not attained permanent status may be discharged at any time during the probationary period.
2. The Department will take reasonable steps necessary to verify the reason for discharge prior to discharge and the reason for discharge will be communicated to the employee.
3. Provision of the discipline handling policy, the grievance policy, and the reduction in work force policy, do not apply to a probationary employee.

**VI. CLOSING**

Provisions of this policy not required by statute will be followed unless they conflict with negotiated labor contracts, which will take precedence to the extent applicable.

Questions concerning this policy should be directed to the Human Resources Bureau.